

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADAM BAUER, et al.,

Plaintiff,

v.

MAILROOM PERSONNEL, et al.,

Defendant.

Case No. C21-0453-RAJ-SKV

ORDER GRANTING PLAINTIFF'S
MOTION TO AMEND FIRST
AMENDED COMPLAINT TO JOIN
PARTIES

This matter comes before the Court on Plaintiffs' Motion to Amend First Amended Complaint to Join Parties, Dkt. 15. Having considered the Motion and the remaining record, the Court GRANTS Plaintiffs' Motion for the reasons stated herein.

Plaintiffs' lawsuit alleges Defendants violated their constitutional rights by improperly withholding and censoring Plaintiffs' incoming and outgoing communications while Plaintiffs were incarcerated at Monroe Correctional Complex. *See* Dkt. 5. Plaintiffs filed their Complaint on April 5, 2021, and their First Amended Complaint on April 29, 2021. Dkt. 1; Dkt. 5. On June 24, 2021, the parties exchanged initial disclosures. *See* Dkt. 8; Dkt. 11 at 2. Defendants included in their initial disclosures two individuals Plaintiffs had not named as Defendants: (1) Tracy Schneider, Correctional Manager, Department of Corrections Headquarters, and (2)

1 Tammy O'Reilly, Corrections Officer, Monroe Correctional Complex. Dkt. 15 at 2. According
2 to Defendants, these individuals may have discoverable information relevant to Plaintiffs'
3 communications outlined in the First Amended Complaint. *Id.*

4 On July 9, 2021, the Court issued an Order Setting Pretrial Schedule, which set an August
5 6, 2021 deadline for joining parties. Dkt. 13. On August 6, 2021, Plaintiffs filed the present
6 Motion to add Ms. Schneider and Ms. O'Reilly as Defendants in this action. Dkt. 15.
7 Defendants do not oppose Plaintiffs' Motion.

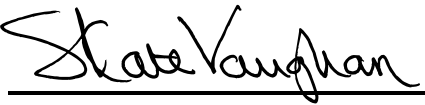
8 Under FRCP 20(a), the Court may join additional defendants if (1) "any right to relief is
9 asserted against them . . . arising out of the same transaction, occurrence, or series of transactions
10 or occurrences," and (2) "any question of law or fact common to all defendants will arise in the
11 action." Further, FRCP 15(a) permits parties to request leave of court to amend a pleading, and
12 that "leave shall be freely given when justice so requires." "Trial courts should determine
13 whether to allow leave to amend by ascertaining the presence of four factors: bad faith, undue
14 delay, prejudice to the opposing party, and futility." *In re Tracht Gut, LLC*, 836 F.3d 1146, 1152
15 (9th Cir. 2016).

16 Adding Ms. Schneider and Ms. O'Reilly as defendants satisfies FRCP 20(a)'s joinder
17 requirements because both appear to have knowledge of and involvement in the communications
18 relevant to Plaintiffs' claims. For the same reason, adding both would not be futile. Moreover,
19 Plaintiffs filed their Motion before the August 6, 2021, joinder deadline passed, so did not
20 unduly delay in doing so. Finally, there is no indication that Plaintiffs have moved in bad faith
21 or that adding Ms. Schneider or Ms. O'Reilly would prejudice either individual or the existing
22 Defendants. The discovery cutoff is April 1, 2022, and the dispositive motion deadline is May 2,
23 2022, *see* Dkt. 13, giving the new and existing Defendants ample time to investigate and respond

1 to Plaintiffs' claims. Thus, because adding Ms. Schneider and Ms. O'Reilly satisfies FRCP
2 20(a)'s and FRCP 15(a)'s requirements, the Court grants Plaintiffs' Motion to Amend First
3 Amended Complaint to Join Parties, Dkt. 15.

4 The Clerk is directed to send copies of this Order to the parties and to the Honorable
5 Richard A. Jones.

6 Dated this 1st day of September, 2021.

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10 S. KATE VAUGHAN
United States Magistrate Judge